A Manual for Drafting Federal Legislation

Reed Dickerson

Indiana University School of Law

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A MANUAL FOR DRAFTING FEDERAL LEGISLATION

[EDITORIAL NOTE:

Through the Joint Army–Air Force Statutory Revision Group, the Army and Air Force have, over an extended period, been rewriting the laws that relate primarily to those services. This project involves examining the relevant titles of the United States Code; rearranging the selected provisions into a coherent and usable pattern; and rewriting, in consistent, concise, and readable language, the text of the law represented by those provisions. The final product will be framed in such a form that it can be enacted, together with Navy and general defense law, into a four-part title of the United States Code called “National Defense.”

The size of the job is suggested by the 92,000-card “plant”, representing the law to be codified, and by the fact that more than a dozen lawyers have been assigned to the project. Size has created difficult administrative problems not ordinarily met by a smaller group working for a shorter time on a smaller project. In a project of these dimensions the need to coordinate professional effort and to follow a consistent approach and style cannot be met informally.

The following Drafting Manual was prepared within the codification group as an attempt to deal with several important phases of the problem: general approach, arrangement, and style. The Manual is based on experience and a study of the best available materials. It has been heavily used for almost two years and has been revised to reflect the constructive suggestions of the many persons to whom it has been circulated for comment. It is “official” only in the sense that it represents the consensus of the offices immediately engaged in the project.

Because the Army-Air Force Drafting Manual was prepared to meet the needs of a concrete situation, it does not deal with some of the phases of federal legislative drafting which a more general work might attempt. Even so, the lack of immediately usable drafting helps in this important field, and the fact that most of the specific drafting problems faced by the Statutory Revision Group are typical, suggest that until a more comprehensive aid is developed the Manual may prove useful outside the Group.

1 The group consists of personnel of the Office of the Army Comptroller and the Office of the Judge Advocate General, U. S. Air Force.
This supposition is borne out by the use of the Manual in current drafting projects at the law schools of Harvard, Columbia, and George Washington.

A perhaps unique feature of the Manual is that it tries to incorporate, for federal legislative purposes, some of the principles of readability that were developed in large part outside the field of legal writing and later put to the legal test during World War II, when emergency agencies like OPA were trying to write regulations that not only would hold water but would be understandable by business men who could not always get legal advice.

Most of the principles and working rules in the Drafting Manual were selected because they appear to represent the best modern approach to legislative drafting. Others were included because the need to be consistent makes it necessary to adopt writing conventions even where the draftsman has a choice between equally appropriate approaches.]
DRAFTING MANUAL FOR THE ARMY AND AIR FORCE CODES

Part A. General Comment

"Bill drafting must have the accuracy of engineering, for it is law engineering; it must have the detail and the consistency of architecture, for it is law architecture."¹

The important idea in legislative drafting is to say what you mean accurately, cohesively, clearly, and economically. Substance comes before form, but the two run together. The draftsman's job is mainly architectural. He starts by determining the needs to be filled, looks for specific answers, arranges the answers in a coherent plan, and expresses the results as clearly and simply as the complexities of the plan allow. Form is important to substance because ambiguity and confused expression tend to defeat the purposes of the legislation. Substance and arrangement are important to form because no amount of language "simplification" will make simple sense out of a statute whose underlying approach is confused. Clarity and simplicity, therefore, begin with straightforward thinking and end with straightforward expression.

Part B. Changes in Existing Law

The object of the codification program is to restate existing law, not to make new law.

Restatement necessarily means rewording and rearrangement. Consistent with the general plan of the United States Code, this will be freely undertaken to make the finished work conform both to accepted usage and to the standards of expression prescribed by this Manual.

Because we must adhere to existing law in the Code bill itself, desirable changes in substance will be recommended for separate enactment after the Code bill is enacted and as amendments to it. "Changes in substance" are changes in wording that would alter existing rights, privileges, duties, or functions. Adherence to existing law, however, does not mean adherence to a literal interpretation of the statutory language in cases where court decisions,

¹Kennedy, Drafting Bills for the Minnesota Legislature (1946).
opinions of significant officials (such as the Comptroller General),
executive orders, regulations, or well-established administrative
practices have established reasonable but modified interpretations.
Deviations of this type, as long as they are carefully noted and
remain noncontroversial, are acceptable.

PART C. Suggestions on General Approach

1. Arrangement
   a. One of the most fundamental problems in drafting is that
      of arrangement. The main idea is to make the final product as
      useful as possible. Carefully select the subjects to be covered and
      arrange them so that they can be found, understood, and referred
      to with the least possible effort.

   b. In general, what subject groupings are appropriate in a
      particular case depends upon the needs of the persons who will use
      the text of the law most. Arrange provisions relating primarily to
      administration from the viewpoint of the persons who will admin-
      ister them. Arrange provisions relating primarily to the conduct,
      rights, privileges, or duties of persons not administering them
      from the viewpoint of the persons so affected. Consider not only
      who and how many will use a provision but how often they will
      use it.

   c. The concepts and groupings used in the text of the law
      should correspond to those necessarily involved in the substantive
      problems faced by the persons to whom the legislation is primarily
      addressed. The "logical pull" of a proposed heading or grouping
      in the text of the law depends upon how fully it meets this test.

   d. Generally, the best arrangements require the least page-
      turning. Avoid any arrangement, for instance, that requires sub-
      stantially more cross-references between chapters than is required
      by an alternative arrangement offering equal or better findability,
      clarity, and usability.

   e. Don't use historical groupings, whether they appear in
      the United States Code or have been used by Congress when
      enacting and amending the law, where other groupings offer sub-
      stantially greater findability, clarity, and usability. However,
      unless an alternative grouping offers more of these functional
      advantages, keep the existing arrangement. Where practicable,
      arrange subjects to reflect the Congressional rationale underlying
the law when it was enacted; this will help persons using the statute to interpret it correctly. But when a choice is required, it is more important clearly to indicate what than why.

f. Don't state the same rule of law at more than one place.

g. Treat functionally indivisible subjects at a single place. Do not fragment them.

h. Resist the temptation to violate paragraph f or g, even where a functionally indivisible subject falls partly within one heading and partly within another. (In some cases the subject may fall wholly within two overlapping headings.) Although you can sometimes minimize the difficulty by narrowing or otherwise changing the scope of the respective headings, in many cases conflicting pulls between overlapping or otherwise competing headings cannot be removed. In these cases, treat the subject under the heading which judgment determines to have the strongest logical pull (see paragraph c) and place editorial cross-references to that heading following the other sections under whose headings the materials also literally fall. (This principle of classification is the one now used in allocating topics between the proposed code title and other titles of the United States Code.)

2. Sentences

a. Avoid long sentences where shorter ones will say the same thing as well.

b. Ordinarily, state the circumstances in which the rule is to apply before you state the rule itself. However, don't start a sentence with an exception if you can conveniently avoid it.

Examples:

"If on the date specified for retirement or discharge the officer has completed 20 or more years' service, he shall be retired."

"Whenever the Secretary finds that there is an excessive number of officers in any grade, he may convene a board of five members of the Regular Army . . ."

c. On the other hand, if the circumstances in which the rule is to apply involve numerous contingencies or conditions, you may find it desirable to state the rule first. In such a case, it may be appropriate to put an exception at the beginning.
Example:

"Except as provided in subsection (b), a member of a reserve component is entitled to retired pay if he—

"(1) is at least 60 years old;

"(2) has completed 20 or more years of satisfactory Federal service;

"(3) served the last 8 of those years as a member of a reserve component; and

"(4) is not receiving retired pay for military service or retainer pay as a transferred member of the Fleet Reserve."

d. Where there are a number of unwieldy contingencies, alternatives, or requirements, make each a separate clause. Statement in detached or tabular form is frequently clearer and makes it easier to tell the main from the dependent clauses.

Example:

See preceding example.

3. Brevity

Absolute conciseness does not insure clarity. Condense your language only to the extent that it helps rather than hinders understanding. Sometimes the longer statement is the simpler.

Don't Say

"The authorized active list commissioned officer strength of the Regular Army is . . ."

Say

"The authorized strength of the Regular Army in commissioned officers on the active list is . . ."

4. Tense

a. Use the present tense.

b. Except for using the word "shall" in requirements or prohibitions, avoid the future tense.

c. Where it is necessary to express a time relationship, recite facts concurrent with the operation of the law as if they were present facts, and facts precedent to its operation as if they were past facts.
Examples:

“If, having been retired for physical disability, a commissioned or warrant officer of the Air Force incurs an additional physical disability, he may . . .”

“Any person who is or has been a member of a reserve component is entitled to retired pay if he is . . .”

d. If it is necessary that a provision include past as well as future events, use the present tense but insert before the appropriate verb the phrase, “. . . , before or after this Act [or ‘title’, ‘part’, ‘section’, etc.] is enacted, . . .”.

5. Mood

The words “shall” and “shall not” normally imply that to accomplish the purpose of the provision someone must act or refrain from acting. Draftsmen frequently use these words merely to declare a legal result, rather than to prescribe a rule of conduct. In many of these instances, the word “shall” is not only unnecessary but involves a circumlocution in thought because the purpose of the provision is achieved in the very act of declaring the legal result. In declaratory provisions, therefore, it is preferable, wherever possible, to use the indicative rather than the imperative mood.

Don’t Say  Say
(1) “The term ‘person’ shall mean (1) “The term ‘person’ means . . .”
     . . .”  . . .”
(2) “The equipment shall remain (2) “The equipment remains the
     the property of the United property of the United States.”
     States.”
(3) “No person shall be entitled (3) “No person is entitled . . .”
     . . .”

6. Voice

a. Wherever possible, use the active voice instead of the passive.

Don’t Say  Say
(1) “The chief of each branch shall (1) “The President shall appoint
     be appointed by the President the chief of each branch from
     from officers who . . .” officers who . . .”
b. In sections conferring powers or privileges or imposing duties, using the active voice will help to avoid vagueness by forcing the draftsman to name, as the subject of the sentence, the person in whom the power or privilege is vested or upon whom the duty is imposed.

7. Number

a. To the extent your meaning allows, use the singular instead of the plural. This will avoid the question whether the plural applies to each individual member of the class or to the class as a whole.

*Don't Say*  
"The Secretary shall establish officers' retired lists for the components named in section 1304."

*Say*  
"The Secretary shall establish an officers' retired list for each component named in section 1304."

unless you mean  
"The Secretary shall establish officers' retired lists for each of the components named in section 1304."

or  
"The Secretary shall establish officers' retired lists, each of which shall be for all of the components named in section 1304."

b. If it is necessary to use the plural, you can change to the singular, wherever desirable, by using the device shown in the following example.

*Example:*  
"Officers who have become 60 years of age shall be retired as provided in section 704. *Such an officer may*. . . ."

8. *Live Words*

Wherever possible, arrange sentences so as to make the fullest use of finite verbs instead of their corresponding participles, infinitives, gerunds, and other noun- or adjective-forms denoting action.

*Don't Say*  
(1) "give consideration to"  
(2) "In the determination of seniority, the Secretary . . . ."  
(3) "is applicable"  
(4) "at the time of his retirement"

*Say*  
(1) "consider"  
(2) "When he determines seniority, the Secretary . . . ."  
(3) "applies"  
(4) "when he retires"
9. **Consistency**

a. Because different words are presumed to refer to different things, don't use different words to denote the same thing ("elegant variation"). In other words, don't use synonyms or synonymous expressions in the same context.

b. Conversely, because the same word or phrase is presumed to refer to the same thing each time it is used, don't use it to denote different things ("utraquistic subterfuge").

c. Be consistent in approach as well as in the use of particular words. If two sections are similar in substance, arrange them similarly.

d. These principles of consistency are the most important principles in legal drafting. Following them not only makes the text clearer and more readable but helps the draftsman in his work by showing up things that need to be changed substantively.

10. **Directness**

Where the same idea can be accurately expressed either positively or negatively, express it positively.

**Examples**:

<table>
<thead>
<tr>
<th>Don't Say</th>
<th>Say</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) “This section does not apply to officers under 60 years of age.”</td>
<td>(1) “This section applies only to officers who have become 60 years of age.”</td>
</tr>
<tr>
<td>(2) “Air Force officers other than those with no children may . . .”</td>
<td>(2) “Air Force officers with children may . . .”</td>
</tr>
</tbody>
</table>

11. **Classification**

a. When organizing sections, subsections, paragraphs, and other subdivisions of the text, try to use a single principle of classification at any level of classification. If there is a significant factor that is common to two or more items but not common to all, it is frequently desirable (though not always feasible) to reflect this fact in the grouping and designation.

b. In a series, list, or other enumeration, introductory language that applies to more than one item named must apply to all.

Departures from this principle constitute “bastard enumeration.”
Don't Say                     Say
(1) "The several States, Territor-
ies, and the District of Colum-
bia"                           (1) "The several States and Terri-
tories, and the District of Co-
lumbia"

(2) "(a) When used in this title,
the term—
"(1) 'Army' means . . .
"(2) 'Regular Army' means
"(3) The Secretary shall de-
termine . . ."
(2) "(a) When used in this title,
the term—
"(1) 'Army' means . . .
"(2) 'Regular Army' means
"(b) The Secretary shall de-
termine . . ."

12. Definitions

a. Avoid unnecessary definitions. The main purpose of a
definition is to get clarity without tedious repetition.

b. There are three kinds of useful legal "definitions"—

(1) Nominal (e.g., "The term 'fracture' means break.").
Here you equate a term to a more familiar term.
This is not strictly a definition, but it is frequently
helpful in conveying the meaning of a term.

(2) Connotative (e.g., "The term 'grade' means a step
or degree, in a graduated scale of military rank,
which is established and designated by law or regu-
lation."). Here you define the subject in terms of
(A) a broader class into which it falls (i.e., a step or
degree in a graduated scale of military rank), and
(B) the features that distinguish the subject from all
other subjects in that class (i.e., established and
designated by law or regulation). This is a true
definition.

(3) Denotative (e.g., "The term 'Army' includes the
Regular Army, the National Guard of the United
States, the Organized Reserve Corps, . . ."). Here
you explain the subject by listing some or all of its
component parts.
c. A true definition must not contain, directly or indirectly, the term being defined. It must apply to all the individual members included in the subject and to nothing else.

d. If you cannot make a connotative definition sufficiently unambiguous or concrete, you may want to bolster it by listing the components that are in doubt. But don't make the list itself an exhaustive definition (i.e., by using the words "means" or "consists of") unless you withdraw the other definition. Concurrent definitions are likely to become conflicting definitions. Handle the problem as shown in the following example.

Example:

"The term 'grade' means a step or degree, in a graduated scale of military rank, which is established and designated by law or regulation. It includes such steps as those of colonel, lieutenant, sergeant, private, recruit, and cadet."

e. Do not define a word in a sense that conflicts with accepted usage. Use the word in its normal sense and make the provision in which it appears state directly the substantive result you want. If you adopt a fiction, label it plainly by using "as if" language.

Example:

Don't say: In this title, the term 'colonel' means an individual who is a colonel, lieutenant colonel, or major.
Say: "Lieutenant colonels and majors have the same rights, privileges, and duties as this title prescribes for colonels."
or
"In this title, lieutenant colonels and majors shall be treated as if they were colonels."

f. A denotative definition should show whether it is intended to be exhaustive or partial. In the first case, use the word "means"; in the second, the word "includes." Never use the ambiguous expression "means and includes."

Example:

The term 'grade' means a step or degree, in a graduated scale of military rank, which is established and designated by law or regulation. It includes such steps as those of colonel, lieutenant, sergeant, private, recruit, and cadet."

Place definitions where they are most easily found. A term that is used only in one place should be defined, if at all, at that place. A term that is used throughout a chapter should be defined at the beginning of the chapter. A term that is used
throughout a title should be defined at the beginning of the title.

h. Keep in mind the following general definitions and rules of construction, which appear in title I of the United States Code:

(1) Words importing the singular include the plural (§ 1).
(2) Words importing the plural include the singular (§ 1).
(3) Words importing the masculine gender include the feminine (§ 1).
(4) The present tense includes the future (§ 1).
(5) The terms “person” and “whoever” include corporations, companies, associations, firms, partnerships, societies, and joint stock companies (§ 1).
(6) The term “officer” includes any person authorized by law to perform the duties of the office (§ 1).
(7) The term “oath” includes affirmation; the term “sworn” includes affirmed (§ 1).
(8) The term “writing” includes printing, typewriting, and reproductions of visual symbols by photographing, multigraphing, mimeographing, manifolding, or otherwise (§ 1).
(9) “The word ‘vessel’ includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water” (§ 3).
(10) “The word ‘vehicle’ includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land” (§ 4).
(11) The term “company” or “association,” when used in reference to a corporation, is treated as including its successors and assigns (§ 5).

PART D. Suggestions on Choice of Language

I. Forbidden Words

Avoid the following terms altogether:
“above” (as an adjective)
“aforesaid”
“afore-mentioned”
"and/or (say "A or B, or both")
"before-mentioned"
"provided that"
"said" (as a substitute for "the," "that," or "those")
"same" (as a substitute for "it," "he," "him," etc.)
"to wit"
"whatsoever"
"whenever"
"wheresoever"

2. Circumlocutions

a. Avoid pairs of words having the same effect:
   "any and all"
   "authorize and empower"
   "by and with"
   "each and all"
   "each and every"
   "final and conclusive"
   "from and after"
   "full and complete"
   "full force and effect"
   "null and void"
   "order and direct"
   "over and above"
   "sole and exclusive"
   "type and kind"

b. Avoid pairs of words one of which includes the other (use the broader or narrower term as the substance requires):
   "authorize and direct"
   "desire and require"
   "means and includes"

c. Avoid expressions such as:
   "none whatever"
   "make application," "make a determination"
   "shall be considered [or "deemed"] to be," "may be treated as," "have the effect of" (unless a fiction is intended)

3. Preferred Expressions

a. Unless there are special reasons to the contrary—

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¹ For constitutional appointments, the phrase "by and with the advice and consent of the Senate" is a term of art and should not be changed.
<table>
<thead>
<tr>
<th>Don't Say</th>
<th>Say</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) &quot;it is directed,&quot; &quot;it is the duty&quot;</td>
<td>(1) &quot;shall&quot;</td>
</tr>
<tr>
<td>(2) &quot;is authorized,&quot; &quot;is entitled,&quot; &quot;it shall be lawful&quot;</td>
<td>(2) &quot;may&quot;</td>
</tr>
<tr>
<td>(3) &quot;in case,&quot; &quot;in the event that&quot;</td>
<td>(3) &quot;if&quot;</td>
</tr>
<tr>
<td>(4) &quot;in cases in which,&quot; &quot;in the case of&quot;</td>
<td>(4) &quot;when,&quot; &quot;where&quot; (say &quot;whenever&quot; or &quot;wherever&quot; only when you need to emphasize the exhaustive or recurring applicability of the rule)</td>
</tr>
<tr>
<td>(5) &quot;for the reason that&quot;</td>
<td>(5) &quot;because&quot;</td>
</tr>
<tr>
<td>(6) &quot;pursuant to&quot;</td>
<td>(6) &quot;under&quot;</td>
</tr>
<tr>
<td>(7) &quot;in order to&quot;</td>
<td>(7) &quot;to&quot;</td>
</tr>
<tr>
<td>(8) &quot;accorded&quot;</td>
<td>(8) &quot;given&quot;</td>
</tr>
<tr>
<td>(9) &quot;deem&quot;</td>
<td>(9) &quot;consider&quot;</td>
</tr>
<tr>
<td>(10) &quot;specified&quot; (in the sense of &quot;mentioned&quot; or &quot;listed&quot;)</td>
<td>(10) &quot;named&quot;</td>
</tr>
<tr>
<td>(11) &quot;commence,&quot; &quot;institute&quot;</td>
<td>(11) &quot;begin,&quot; &quot;start&quot;</td>
</tr>
<tr>
<td>(12) &quot;prior to&quot;</td>
<td>(12) &quot;before&quot;</td>
</tr>
<tr>
<td>(13) &quot;subsequent to&quot;</td>
<td>(13) &quot;after&quot;</td>
</tr>
<tr>
<td>(14) &quot;at the time&quot;</td>
<td>(14) &quot;when&quot;</td>
</tr>
<tr>
<td>(15) &quot;per annum&quot;</td>
<td>(15) &quot;a year&quot;</td>
</tr>
<tr>
<td>(16) &quot;per centum&quot;</td>
<td>(16) &quot;percent&quot;</td>
</tr>
<tr>
<td>(17) &quot;under the provisions of&quot;</td>
<td>(17) &quot;under&quot;</td>
</tr>
<tr>
<td>(18) &quot;provision of law&quot;</td>
<td>(18) &quot;law&quot;</td>
</tr>
<tr>
<td>(19) &quot;attains the age of——&quot;</td>
<td>(19) &quot;becomes——years of age&quot;</td>
</tr>
<tr>
<td>(20) &quot;on his own application&quot;</td>
<td>(20) &quot;at his request&quot;</td>
</tr>
<tr>
<td>(21) &quot;calculate&quot;</td>
<td>(21) &quot;compute&quot;</td>
</tr>
<tr>
<td>(22) &quot;render&quot; (in the sense of &quot;cause to be&quot;)</td>
<td>(22) &quot;make&quot;</td>
</tr>
<tr>
<td>(23) &quot;transmit&quot;</td>
<td>(23) &quot;send&quot;</td>
</tr>
<tr>
<td>(24) &quot;necessitate&quot;</td>
<td>(24) &quot;require&quot;</td>
</tr>
</tbody>
</table>
4. **Special Problems**

a. **"Shall" and "May"**

If a right, privilege, or power is conferred, use "may." If a right, privilege, or power is abridged, use "may not." If an obligation to act is imposed, use "shall." If an obligation to abstain from acting is imposed, use "shall not." However, where a power conferred on a public authority is liable to be construed by the courts as a duty, the word "may" should be followed by words such as "in his discretion."

b. **"Any," "Each," "Every," etc.**

Use adjectives such as "each," "every," "any," "all," "no," and "some" (technically known as "pronominal indefinite adjectives") only where necessary.

If the subject of the sentence is plural it is almost never necessary to use such an adjective (e.g., "Majors of the Regular Army shall * * *"); "Majors of the Regular Army may not * * *").

If the subject of the sentence is singular, use the pronominal indefinite only when the article "a" or "the" is inadequate, as when the use of "a" would allow the unintended interpretation that the obligation is to be discharged (or the privilege exhausted)
by applying it to a single member of the class instead of to all of them. If it is necessary to use a pronominal indefinite, follow these conventions:

1. If a right, privilege, or power is conferred, use "any" (e.g., "Any major of the Regular Army may * * *").
2. If an obligation to act is imposed, use "each" (e.g., "Each major of the Regular Army shall * * ").
3. If a right, privilege, or power is abridged, or an obligation to abstain from acting is imposed, use "no" (e.g., "No major of the Regular Army may * * *").

"Such"

Although the word "such" is commonly used in legislation as a demonstrative (i.e., as a word pointing at something already referred to), this use is undesirable because (1) it is improper under general writing standards, (2) it is a stilted way of saying something better expressed by "the," "that," "those," "it," "them," etc., and (3) it is easily confused with the more appropriate uses of the word (e.g., as a synonym, when followed by "a" or "as," for "that kind of").

Don't Say Say
(1) "An officer with more than 30 years' service may file a retirement application with the Secretary. Such officer may prepare such application either * * *
(2) * * * is 60 percent. Within such percentage, the Secretary

d. Provisos

Avoid provisos altogether. To introduce an exception or limitation, say "except that," "but," or "However," or simply start a new sentence. To add other additional material, start a new sentence or paragraph.
PART E. Typography

1. Paragraph Designation

a. For identification it is usually desirable to designate each paragraph of text by a letter or number. Simple enumerations, whether or not in tabular form, may or may not be designated.

b. When designating paragraph groupings within a section, follow these conventions: For subdivisions of a section (called “subsections”), use “(a),” “(b),” “(c),” etc. For subdivisions of a subsection (called “paragraphs”), use “(1),” “(2),” “(3),” etc. For subdivisions of a paragraph (called “subparagraphs”), use “(A),” “(B),” “(C),” etc. Avoid further subdivisions wherever possible. Where an additional designated breakdown is necessary, use “(i),” “(ii),” “(iii),” etc.

c. When designating a tabulation in a section that has no subsections, use “(1),” “(2),” “(3),” etc.

Example:

“§2032. Failure to comply with standards
“If a member fails to comply with the standards prescribed by section 2031—
“(1) he shall be transferred to an inactive section of his reserve component;
“(2) he shall be retired; or
“(3) his appointment or enlistment shall be terminated.”

2. Capitals

a. Capitalize initial letters only where necessary.

b. Capitalize the following terms:
“Army,” “Navy,” “Air Force,” “Marine Corps,” “Regular Army,” “National Guard,” etc.
“Federal,” “Government” (when referring to the Government of the United States)
“State” (when referring to the States of the United States).

c. Don’t capitalize the following terms:
“major,” “captain,” “lieutenant,” “cadet,” etc.
“title,” “part,” “chapter,” “section,” etc.

3. **Punctuation**

a. Use commas to set off clauses that describe a subject already identified (e.g., "The Judge Advocate General, who shall be appointed as provided in section 1141, may * * *") but not clauses that identify (e.g., "An officer who is restored to the active list may * * ").

b. In a series, put a comma after the next to the last item (e.g., "commissioned, warrant, and enlisted members").

c. In legislative quotations, put punctuation inside quotation marks if it is part of the quoted material; outside, if it is not.

*Examples:*

"(d) The terms ‘Army of the United States’, ‘United States Army’, and ‘Army’ are synonymous."

"Section 1492 is amended by striking out ‘commissioned officers;.’"

4. **Numbers**

Express numbers in figures or words in accordance with the Government Printing Office Style Manual, pages 103-106.